

**STATE OF ILLINOIS  
HUMAN RIGHTS COMMISSION**

IN THE MATTER OF THE REQUEST )	
FOR REVIEW BY: )	CHARGE NO.: 2010CH0002
)	HUD NO.: 05-09-1381-8
<b>MARY BORYS</b> )	ALS NO.: 09-0694
)	
Petitioner. )	

**ORDER**

This matter coming before the Commission by a panel of three, Commissioners David Chang, Marylee V. Freeman, and Charles E. Box presiding, upon Mary Borys's ("Petitioner") Request for Review ("Request") of the Notice of Dismissal issued by the Department of Human Rights ("Respondent")<sup>1</sup> of Charge No. 2010CH0002; and the Commission having reviewed all pleadings filed in accordance with 56 Ill. Admin. Code, Ch. XI, Subpt. D, § 5300.400, and the Commission being fully advised upon the premises;

NOW, THEREFORE, it is hereby **ORDERED** that the Respondent's dismissal of the Petitioner's charge is **SUSTAINED** on the following ground:

**LACK OF SUBSTANTIAL EVIDENCE**

In support of which determination the Commission states the following findings of fact and reasons:

1. On July 1, 2009, the Petitioner filed a charge of discrimination with the Respondent in which she alleged that Diversey Neighborhood Corporation and Federico Aguiler (collectively referred to as "the Landlords") altered the terms, conditions or privileges of her real estate transaction because of her race, White, in violation of Section 3-102(B) of the Illinois Human Rights Act ("Act"). On October 30, 2009, the Respondent dismissed the Petitioner's charge for Lack of Substantial Evidence. On December 2, 2009, the Petitioner filed a timely Request.
2. The Petitioner entered into a residential apartment lease with the Landlords in March 2009. According to the Landlords' Rules and Regulations, tenants were not permitted to have pets reside in the apartments without prior written approval by the Landlords.
3. On March 11, 2009, the Petitioner asked the Landlords for approval to have one (1) small dog reside with her in her apartment. In support of her request, the Petitioner submitted a doctor's note to the Landlords which stated that having a dog was relaxing and therapeutic.

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<sup>1</sup> In a Request for Review Proceeding, the Illinois Department of Human Rights is the "Respondent." The party to the underlying charge requesting review of the Department's action shall be referred to as the "Petitioner."

4. The Landlords approved the Petitioner's request, and allowed her to have one (1) dog reside with her. The Landlords requested a \$300 pet deposit from the Petitioner, which the Petitioner paid.
5. The Petitioner took occupancy of the apartment on June 11, 2009. Soon thereafter, the Landlords began receiving noise complaints from its other tenants about dogs barking in the Petitioner's apartment.
6. The Landlords investigated the complaints, and discovered that the Petitioner had two dogs and three cats in her rental unit. The Landlords informed the Petitioner that she was not permitted to have five (5) pets in her apartment, and she was only authorized to have the one (1) dog. The Landlords told the Petitioner that she must either permanently remove the unauthorized pets or move out of the apartment.
7. The Petitioner chose to move out of the apartment. On July 20, 2009, the Petitioner moved out of the apartment, and the Landlords returned the Petitioner's \$ 300 pet deposit to her.
8. The Petitioner alleged in her charge that the Landlords charged her the \$ 300 pet deposit and tried to force her to give away her pets because of her race, White. In her Request, the Petitioner contends a neighbor harassed her daily about her dogs barking, and that the Landlords lied about their "no dog" policy because other tenants had dogs. The Petitioner further states the cats were not hers and that she was "pet sitting" the cats. The Petitioner admitted having two dogs in the apartment, but states that one of the dogs died during her tenancy, so that when she moved out, she only had one dog.
9. In its Response, the Respondent asks the Commission to sustain its dismissal of the Petitioner's charge for lack of substantial evidence.

## **CONCLUSION**

The Commission concludes that the Respondent properly dismissed the Petitioner's charge for lack of substantial evidence. If no substantial evidence of discrimination exists after the Respondent's investigation of a charge, the charge must be dismissed. See 775 ILCS 5/7A-102(D). Substantial evidence exists when the evidence is such that a reasonable mind would find the evidence sufficient to support a conclusion. See In re Request for Review of John L. Schroeder, IHRC, Charge No. 1993CA2747 (March 7, 1995), 1995 WL 793258 (Ill.Hum.Rts.Com.)

The Commission finds there has been no evidence submitted which would support the Petitioner's contention that she was subjected to different terms and conditions because of her race. There has been no evidence presented which demonstrates that non-White tenants who wished to have a pet reside with them were not required to pay the pet deposit. There is no evidence that non-

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White tenants were permitted to have multiple pets reside with them without the Landlords' prior approval. The Petitioner's mere speculation that she was treated less favorably than the non-White tenants is not substantial evidence of discrimination. See Willis v. IDHR, 307 Ill.App.3d 317, 718 N.E.2d 240 (4<sup>th</sup> Dist. 1999).

Accordingly, it is the Commission's decision that the Petitioner has not presented any evidence to show that the Respondent's dismissal of her charge was not in accordance with the Act. The Petitioner's Request is not persuasive.

**THEREFORE, IT IS HEREBY ORDERED THAT:**

The dismissal of Petitioner's charge is hereby **SUSTAINED**.

This is a final Order. A final Order may be appealed to the Appellate Court by filing a petition for review, naming the Illinois Human Rights Commission, the Illinois Department of Human Rights, and Diversey Neighborhood Corporation and Federico Aguiler, as respondents with the Clerk of the Appellate Court within 35 days after the date of service of this Order.

**STATE OF ILLINOIS**

**HUMAN RIGHTS COMMISSION**

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**Entered this 9<sup>th</sup> day of June 2010.**

Commissioner David Chang

Commissioner Marylee V. Freeman

Commissioner Charles E. Box